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ABSTRACT

The growing amount of activity by pressure groups, as well as professional statements like those of the American Library Association and the American Association of Library Teachers, reflect an increased concern with legal, quasi-legal or extra-legal censorship. The National Organization for Decent Literature, a Catholic-Church sponsored censorship group, publishes an evaluation of materials, and while they do not intend their lists for boycott or coercion, they admit that that has occurred. The activities of Citizens for Decent Literature (now the most active and successful of the "decency movement" groups) parallel those of the New Jersey Committee for the Right to Read and the National Council for Freedom to Read. Each of these groups has (1) attempted to influence the public through speakers and newsletters, (2) provided some legal assistance, and (3) surveyed psychiatrists as to the effects of pornography, particularly on the young. Of these two forces, the activities of the "decency movement" have enjoyed broader, more vocal public support. (Examples of court decisions and local news concerning censorship are cited throughout the report.) (MF)

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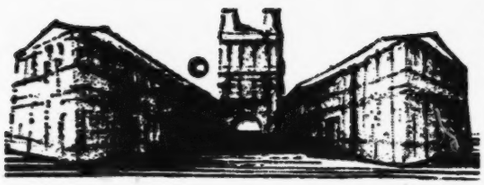

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FREEDOM OF INFORMATION CENTER REPORT NO. 199

THE 'RIGHT-TO-READ' CONTROVERSY

Volumes upon volumes have been written about the laws of obscenity and the legal aspects of book suppression. On the other hand, very little has been written about the actions of individuals and opposing pressure groups in promoting or opposing legal, quasi-legal or extra-legal censorship. It is to these pressure groups that this paper addresses itself.

It was prepared by Professor MAX L. MARSHALL, *chairman of the Department of Journalism at East Tennessee State University, who is currently completing work for the Ph.D. degree at the School of Journalism, University of Missouri.*

Language constitutes an obstacle in discussing objectively the controversy over "censorship" and the "right to read"; words inherently tend to take sides – censorship, freedom, license, decency, obscenity. Although the author of necessity must use these terms, he has made every effort to avoid injecting his own beliefs, in hopes of presenting an accurate and balanced account of the highlights of what has actually transpired.

When restrictions are imposed for whatever reason, some people vigorously denounce such action as an invasion of their freedom. Conversely, their opponents say that a line must somewhere be drawn; they claim certain materials are pornographic, violate decency, and are harmful to society – particularly to children.

The arguments are likely to become heated, and social pressures in the local community can become acute. It is on the local scene that the bookseller must deal face-to-face with the policeman on th beat. Here, too, he is sometimes confronted with the ambitious local politician who suddenly takes a strong interest, around election time, in the kind of books that are being sold. And it is here, also, that the librarian and the teacher sometimes get caught in the cross-fire of sincere but deadly serious special interest groups.

As Dr. Paul Fisher, director of the Freedom of Information Center at the University of Missouri, points out—these social pressures come from the right, and from the left; they originate in religious bodies; they are exerted by racial and ethnic leaders; they are characterized by the rope-tugging of decent literature groups on the one hand, and right-to-read groups on the other.

Moreover, these are not arguments in the abstract sense. They sometimes take the form of direct and heated confrontations involving friends and neighbors who are emotionally upset – and are participated in by frightened parents or irate city officials. Such controversy may entail a direct threat to the job or livelihood of individuals caught in the middle – booksellers, librarians and teachers. Not so direct, but effective also, is the threat of ostracism which may acompany an unpopular stance. Under such circumstances, it is often charged that a large number of books are suppressed unofficially, by extra-legal, sometimes illegal, methods.

Although charges of obscenity continue to be the prime reason for attempts at book suppression, obscenity is not the *only* reason. Groups with special political, religious

Summary: The United States Supreme Court has ruled that "obscenity" is *not* protected under First Amendment guarantees. However, from its rulings, the Court has shown that it can provide only the muddiest collective opinion concerning what the term encompasses. Recently obscenity convictions have been upheld (frequently by a 5-4 decision) primarily on the basis of the manner in which alleged pornography was promoted.

In this environment, private individuals and pressure groups holding conflicting views have filled the vacuum with bitter dispute. The new Presidential Commission which is to investigate this problem hopefully will produce some concrete proposals that can help to resolve the most emotionally charged aspect of the controversy: sale distribution of hard-core pornography to children.

By a recent ruling on this specific issue, the U.S. Supreme Court has paved the way for meaningful recommendations.

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racial, or ethnic commitments object strenuously to certain published materials, and sometimes they are successful in restricting their circulation.

This is not to imply that all book-banning at the local level is extra-legal – only to take note of an important source of *de facto* censorship which may exist on a widespread basis. These practices frequently do not come to the attention of large segments of the public and often go unchallenged and unreported in the hundreds of communities across the nation. Sometimes news of such incidents is limited to gossip or discussion in restricted circles.

Books may also be banned openly, officially and legally. In the bigger cities, substantial publicity may accompany the more important controversies. However, local obscenity ordinances must exist within the legal framework of state laws, and the latter are in turn subject to the power of the U.S. Supreme Court. Therefore local ordinances become vulnerable if they do not embody the principles handed down. Often they do not. It takes time for legal procedures to filter down.

Many times, ordinances which might fall if convictions were appealed, are left unchallenged. Persons found guilty under local statutes may refuse to pursue the matter because the sentence may be a light fine, easier to pay than to risk higher legal costs. The book may be a paperback which offers only a scant return and simply is not worth the bother. Many times the bookseller honestly was not aware of the book's content, and otherwise would not have stocked it.

Or the reverse may be true. The peddler of pornography knows he is not in a position to press charges and finds it more expedient to simply move on – which he regularly does. The fly-by-night publisher of borderline paperbacks – in addition to lacking the inclination to pursue the matter – may not have the means to do so. Moreover, legal costs involved in appealing a case are substantial, and only publishers in a strong financial position – seldom individual booksellers – are inclined to take action. Publishers tend to do so only if they feel there is a large public demand for the book.

Like the states, local communities also establish literature commissions. Sometimes called advisory councils, appointive boards of review, and the like, these bodies in varying ways are charged with the general function of surveillance over obscene books, and with controlling the sale of such material to juveniles. These organizations may or may not operate within the framework of judicial review procedures, and accordingly some bannings effected by them might fall if appealed to the higher courts. (For a partial listing of such commissions and advisory bodies, see *Freedom of Information Center Publication No.* 155).

Actions of a similar nature are sometimes taken by police departments, individual policemen, prosecuting attorneys and attorney generals. In some places, booksellers are handed lists of books with a "strong recommendation" that they not be stocked. The "Detroit List" was a familiar example.

Local Actions in the News

Before describing the activities of the specific organizations and pressure groups which are interested in this problem, it would be well to survey some news reports concerning the controversy over published materials. It is significant that, except for the paperbacks, most of these instances occurred earlier in the decade. Those about to be described fall far short of the total number reported, and presumably many similar accounts have never found their way into print, or to the Center's files.

The Kansas City *Star* reported (6-30-65) that a Warren County (Pa.) judge signed an order permanently banning *Rosy Crucifixion,* by Henry Miller; the action had been initiated by the local district attorney who said the novel "is so foul, vulgar and revolting as to constitute hardcore pornography."

In New Orleans, two booksellers were arrested for selling James Baldwin's novel, *Another Country.* City officials charged them with violating Louisiana's anti-obscenity law, but district attorney James Garrison felt there was no case and refused to prosecute. Thereupon, the city attorney refiled charges in municipal court (*Publishers' Weekly,* 7-1-63).

When a Detroit librarian read in the New York *Times* that the Food and Drug Administration had seized copies of the (then) best-selling *Calories Don't Count,* she, on her own initiative, removed the book from the shelves. Her action was prompted by reports to the effect that the dieting advice was not "nutritionally sound" (Detroit *Free Press,* 3-8-62).

Farther east, Philadelphia officials were busy reworking the text of Mark Twain's *Huckleberry Finn* to "tone down violence, simplify southern dialect," and to modify references to Negroes, according to the St. Louis *Post-Dispatch* (4-25-65).

Brave New World by Aldous Huxley and *East of Eden* by John Steinbeck were removed from a Pendleton, Oregon, high school reading list, following an objection by a religious group (Columbia *Missourian,* 5-9-63). The school board at Wrenshall was reported by the Louisville *Courier-Journal* (2-16-63) to have fired an English teacher who asked his class to read George Orwell's 1984. In Baytown, Iowa, school trustees ordered *Spirit Lake* removed from the high school library because it contained "objectionable language" (Des Moines *Register,* 1-16-63).

An *FoI Digest* headline (March-April, 1966) read: "Protest by Father about 'To Kill a Mockingbird' Starts Investigation of Virginia School Library List." The account relates the confusion occasioned when a father intended to initiate action against Salinger's *The Catcher in the Rye* but mistook it for *To Kill a Mockingbird.* The incident resulted in a state investigation of the 20,000-title book list from which purchases can be made with state funds. *The Catcher in the Rye* has figured prominently in a number of bannings from school libraries; it was mentioned conspicuously in a report given by Peter S. Jennison to the American Book Publishers' Association (*Publishers' Weekly,* 6-3-63).

At a church-sponsored school, Fairfield University, students placed 100 books in the school's library that had been ruled harmful by authorities. Included among them: *The Works of Spinoza, The Works of Leibnitz,* and *Being and Nothingness* by Sartre (New York *Times,* 4-15-65).

A Des Moines *Register* article (2-7-65) was headlined: "Home Folks Ban Stong's *State Fair* for 25 Years." It relates that in 1932 the Keosauqua Woman's Improvement Association, which controlled the local library, considered *State Fair* a dirty book. This best-selling novel later became the basis of three movies – in 1932, 1945 and 1961. Stong's widow has implied that a seduction scene written between the lines, in good taste, had been the cause. It was not until the early 60's that a copy of *State Fair* was shelved in the Keosauqua library.

A headline, quite different in nature – one directly

concerned with the major dimensions of today's controversy – appeared over an article in *Publishers' Weekly* (9-23-63). It read: "Disgusting Books Upheld by New York Supreme Court." The paperback books involved were: *Sex Kitten, Bedroom at the Top, Butch, Bed Bait, Strange Sin, Hill-Billy Nympho, Sex Plan, Swing Low Sweet Sinner,* and *Strange Sinner.* The judge ruling in the case stated he personally deplored the books. But he referred to a 50-year-old decision by Judge Learned Hand and said the books did not exceed the "present critical point in the compromise between candor and shame at which the community has arrived." He maintained that while such novels were "profane, offensive, disgusting and unvarnished trash," they still had a place in our society – as some people "because of lack of education, the meanness of their social existence or mental insufficiency, cannot cope with anything better" and are thus provided an avenue of "escape from reality."

An account of a recent Supreme Court obscenity ruling which will make such avenues wide enough to accommodate a flood of such material (5-8-67) began: "Distributors of spicy books and magazines won new protection in the Supreme Court today from prosecution." At issue were the conviction of a New York City newsstand clerk who had sold two books, *Lust Pool* and *Shame Agent;* conviction of a bookstore operator for violation of Kentucky law by selling magazines entitled *High Heels* and *Spree;* and the ordered destruction in an Arkansas county of several self-described "girly" magazines. All were set aside by the Supreme Court.

Significantly, the majority pointed out that in none of these cases did the core issues relate directly to sales to minors, nor was there "any suggestion that publication was so obtrusive as to make it impossible for an unwilling individual to avoid exposure." Many interested persons and organizations felt that in so ruling, the Supreme Court had side-stepped the need for defining obscenity – had in effect opened the doors wide for the dissemination of pornography – provided it was not pandered.

Interested Organizations

From the foregoing, it is clear that much of the existing difficulty relates to the fact that the word "obscene" means different things to different people – including the Supreme Court justices. This is evidenced by their many 5-4 decisions.

Caught up in the middle of the controversy are some important organizations and institutions. For example, the American Library Association (ALA) has been placed in the position of attempting to maintain library holdings which will best serve the public interest in the face of opposing pressures.

To help clarify matters, the Council of the American Library Association has produced a "Library Bill of Rights" incorporating principles which provide wide latitude in the matter of shelving of books. The 2nd and 3rd "principles" of this Bill of Rights set forth the core position of the ALA (*Newsletter on Intellectual Freedom,* 9-65):

> There should be the fullest practicable provision of material presenting all points of view concerning the problems and issues of our times, international, national, and local; and books or other reading matter of sound factual authority should not be proscribed or removed from library shelves because of partisan or doctrinal disapproval.
>
> Censorship of books, urged or practiced by volunteer arbiters of morals or political opinion or by organizations that would establish a coercive concept of Americanism, must be challenged by libraries in maintenance of their responsibility to provide public information and enlightenment through the printed word.

But in the troublesome matter of obscenity, the ALA seems to have dropped much responsibility into the confused laps of the nation's courts. A statement explaining how libraries and schools may resist censorship (adopted 2-1-62 by the ALA Council) provides a step-by-step procedure which librarians may follow when holdings are attacked by individuals or organizations. When books are under assault on the basis of obscenity, the ALA advises:

> The laws governing obscenity, subversive material, and other questionable matter are subject to interpretation by the courts. The responsibility for removal of any book from public access should rest with this established process.

On the other hand, the ALA has not hesitated to reveal where it generally stands in connection with what has been termed the "Freedom to Read." In September, 1965, the *Newsletter on Intellectual Freedom* stated: "The American Library Association, by action of its Council in 1953, jointly with the American Book Publishers Council, endorsed a statement on 'The Freedom to Read,' which is as timely now as it was then." Here is a brief quotation from that statement:

> THE FREEDOM TO READ is essential to our democracy. It is under attack. Private groups and public authorities in various parts of the country are working to remove books from sale, to censor textbooks, to label "controversial" books, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to avoid the subversion of politics and the corruption of morals. We, as citizens devoted to the use of books and as librarians and publishers responsible for disseminating them, wish to assert the public interest in the preservation of the freedom to read.
>
> We are deeply concerned about these attempts at suppression. Most such attempts rest on a denial of the fundamental premise of democracy: that the ordinary citizen, by exercising his critical judgment, will accept the good and reject the bad. The censors, public and private, assume that they should determine what is good and what is bad for their fellow citizens.
>
> We trust Americans to recognize propaganda, and to reject obscenity. We do not believe they need the help of censors to assist them in this task. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

A School Library Bill of Rights has been prepared by the American Association of School Librarians to achieve related goals. It emphasizes the school librarian's responsibility to further education, incorporates related principles,

and was formally adopted by the ALA Council on July 8, 1955 (*Newsletter on Intellectual Freedom,* 9-65).

Other important national organizations become embroiled in the ongoing controversy because of the nature of the functions performed by their members. One such organization is the National Council of Teachers of English (NCTE) which, early in 1967, invited 27 organizations to a meeting "to consider establishing a National Commission on the Right to Learn." Their reasons for taking this step were based on "the existence of restricted access to information, ideas, and opinions; restrictions on free inquiry and expression placed on teachers and librarians; and 'invisible' restrictions placed on the right to learn of children and young adults" (*Library Journal* 2-15-67).

The National Book Committee, according to its brochure, is a "non-profit educational organization reflecting the public interest in the literary arts, the freedom to read, and the improvement of reading services and library resources"; it, too, takes a serious interest in matters pertaining to access to reading materials.

The American Book Publishers Council, as well as publishers individually and collectively, have already been shown to be both vitally concerned, and extremely active, in matters relating to alleged book censorship.

The Decency Groups

Of the important service organizations, Kiwanis International during its 1966 convention approved a resolution asking its member clubs to impel distributors to remove smut from their stocks and to seek legal curbs on the distribution of pornographic and salacious literature.

Other groups, possibly numbering in the hundreds, have also been in the forefront of attacks on obscene and pornographic literature. One organization, Citizens for Decent Literature (CDL), stands out as the most active and successful in furthering the ends of what has come to be called the "decency movement." Another potent force has ben the National Organization for Decent Literature (NODL).

The organization, mode of operation and purposes of the NODL was set forth in detail a decade ago in a thoughtful and penetrating article by Father John Courtney Muray in *America* (11-3-56). Published as a rebuttal to allegations which earlier had been printed in *Harper's* (10-56), he explained that the Catholic Church-sponsored NODL was intended to be a service organization, not an action group. Quoting from the NODL's explanatory literature, he stated that its major service consisted of offering to "responsible individuals and organizations an evaluation of current comic books, magazines and pocket-size books." This compilation has become known as the "NODL List"; it has as its purpose the evaluation of such materials from the standpoint of objectionable juvenile reading. According to Father Murray, the list was intended "merely as an expression of a publication's nonconformity with the NODL code." The organization has specifically asked that the list not be used for purposes of boycott or coercion.

According to Father Murray:

> The recommended procedures seem to rest on the suppositions that the ordinary merchant is a responsible man; that he would welcome some assistance in ridding his shop of stuff that responsible parents fairly judge to be unfit for their children; that if he accepts the assistance, he is to be commended; that if he rejects it, he is to be left alone.

In answer to the *Harper's* charges, Father Murray did concede that in some instances overly zealous adherents have in fact resorted to boycott and coercion; he regretted that such instances have occurred, and set himself in firm opposition to those who have made the list available to the police. He argued:

> Unquestionably, officers of the law have full right to use the weapons of law, which are coercive. The point in question, however, is their use of the NODL list. This puts NODL in an ambiguous position. It cannot expect to have the thing both ways. It cannot, on the one hand, protest that "the list is not to be used for purposes of boycott or coercion," and, on the other hand, fail to protest against the use of the list by the police. It has to choose its cooperators – either the merchant or the police. It cannot choose both, for the choice is really betwen opposed methods of cooperation – the method of voluntary cooperation as between equal citizens, or the method of coercion as used by the police.

This excerpt shows that Father Murray acknowledges that there are some shortcomings in the implementation of the program. But there can be no question that, on the whole, he considers the effort to be a worthy one of benefit to all – Catholics and non-Catholics alike. His article was titled, "The Bad Arguments Intelligent Men Make." The article in *Harper's* (10-56) which Father Murray was answering was titled "The Harm Good People Do," and written by John Fischer.

In substantially more impassioned tones, Fischer initiated the exchange by charging that:

> A little band of Catholics is now conducting a shocking attack on the rights of their fellow citizens. They are engaged in an un-American activity which is as flagrant as anything the Communist party ever attempted – and which is, in fact, very similar to Communist tactics. They are harming their country, their Church, and the cause of freedom.

Fischer takes pains to make it clear that he is not attacking the Catholic Church but the activities of a certain group:

> They do not, of course, speak for all Catholics. On the contrary, they are defying the warnings of some of their Church's most respected teachers and theologians. The Catholic Church as a whole certainly cannot be blamed for their actions, any more than it could be held responsible a generation ago for the political operations of Father Coughlin.

The article then levels a barrage of charges. It refers to the NODL list as a "blacklist" designed to "intimidate" dealers and "to make it impossible for anyone to buy books and other publications which it does not like." According to Fischer, the NODL's "chosen weapons are boycott and literary lynching." He writes:

> For example, early last year committees of laymen from Catholic churches in the four northern counties of New Jersey – Union. Hudson, Essex, and Bergen – began to call on local merchants. These teams were armed with the

NODL lists. They offered "certificates," to be renewed each month, to those storekeepers who would agree to remove from sale all of the listed publications. To enforce their demands, they warned the merchants that their parishioners would be advised to patronize only those stores displaying a certificate.

Contact, a bulletin published by the Sacred Heart Parish Societies of Orange, New Jersey, listed fourteen merchants in its March 1955 issue. "The following stores," it said, "have agreed to co-operate with the Parish Decency Committee in not displaying or selling literature disapproved by the National Organization for Decent Literature. . . . Please patronize these stores only. They may be identified by the certificate which is for one month only."

These and other charges were the ones responded to by Father Murray in his countering article. Anyone interested in this controversy would do well to read both articles. Though they were written more than a decade ago, they contain the core arguments of persons whose stance in the matter is pro or con respectively. What has since been written on the NODL in large measure consists of variations on the same basic themes. The NODL has to a degree dropped out of the limelight as the Citizens for Decent Literature has assumed leadership of the decency movement.

A Protestant counterpart to the Catholic NODL, the Churchmen's Commission for Decent Literature, generally has sought similar goals, but appears to have lacked the tightly knit national organization which would make it as effective – and hence, as controversial – as NODL.

Citizens for Decent Literature

In terms of organization, financing, prominence, activities and effectiveness, it appears that the Citizens for Decent Literature has a legitimate claim to first standing among all the decency groups. The CDL is a relatively new organization, having assumed its national character as recently as 1962. While it is not connected directly with any religious institutions – in the sense that NODL is directly connected to the Catholic Church – CDL appears to receive strong support from religious bodies of all kinds. Its newsletter has prominently featured articles which were written by Protestants, Catholics and Jews.

Its founder and prime mover is Charles H. Keating, Jr., former swimming champion and Navy fighter pilot; he is also a lawyer.

According to an article in *Reader's Digest* (5-64), Keating's concern "over the flood of printed poison was galvanized one day in 1956, when he noticed youngsters at a newsstand snickering over a display set apart from the rest of the magazines and paperbacks." Moving in for a closer look, he discovered that in addition to the "girlie" magazines featuring nudes in suggestive poses, dozens of publications depicted not only raw sex, but stories of abnormal sex behavior. Keating stated that "by any definition, this was pornography, dirt for dirt's sake."

Keating went to police headquarters in Cincinnati where he was informed that laws against such materials were indeed on the books, but according to the police chief: "We make arrests, bring these smut sellers into court, only to find ourselves pitted against high-priced legal talent, hired by well-heeled publishers, yowling about 'censorship' and 'freedom of the press'!" The chief's main complaint was that "the public is nowhere around to back us up."

Keating investigated, then met with some business and professional friends to solicit their support:

> These men become a speakers' bureau, going out to address any group that would hear them: women's clubs, church societies, P.T.A.'s, fraternal organizations. As each speaker showed samples of smutty magazines and paperbacks, the first audience reaction was invariably shock and outrage, then a demand for harsh action – blacklists, boycotts, even book-burnings.

Lawyer Keating vigorously opposed such methods, and instead advocated that the citizens take action to "get behind" the law enforcement officials to see that the existing obscenity laws were enforced. As a result, city officials were flooded with protests against "pornography on the newsstands and with pledges of cooperation in a drive to wipe it out." The *Reader's Digest* article points out that the CDL discovered that its greatest initial obstacle "was the lack of any clear-cut definition of obscenity." With the U.S. Supreme Court decision in the Roth case, however, a workable yardstick was soon discovered. The group was successful in obtaining a series of arrests and convictions in Cincinnati and elsewhere. It grew and prospered. By mid-1967, three hundred chapters were reported to be in existence.

Much of this success was attributed (in a follow-up article published in *Reader's Digest*, 9-67) to the methods utilized. In describing the conviction in Cincinnati of Polly King to two consecutive terms of from one to seven years in the state penitentiary, along with a fine of $4,000, the article related that "the King case stands as proof that concerned citizens in any community *can* lick the purveyors of newsstand obscenity – if they move with intelligence and determination, and if their police and prosecutors avoid the legal pitfalls that those engaged in publishing and selling pornography know so well how to use in their defense."

Charles Keating is quoted in the *Digest* article as saying: "From beginning to end, the case was a model of excellent work by police, prosecutor and judge." However, a great deal of the actual groundwork appears to have been accomplished by members of the CDL:

> During 1964 and 1965, members in Cincinnati quietly purchased several of the more offensive magazines and paperbacks at Mrs. King's place. They briefed the contents, page by page, showing the reptetitious descriptions of perversion, lesbianism, voyeurism, sadism. They delivered the briefs to Cincinnati's then chief of police, Col. Stanley R. Schrotel, and to the county's prosecuting attorney, Melvin G. Rueger.

In addition to support of this kind, the CDL also provides legal assistance. For example, the New York *Herald Tribune* reported (10-23-65) that the CDL had decided "to assign lawyers to appear on the side of the prosecutor in every pornography case that is brought before the U.S. Supreme Court." The organization has also produced a model statute designed to help curb commercialized traffic in obscenity. Disseminated to the respective chapters in mimeographed form, it reads:

> Whoever shall knowingly and with a criminal intention, act in, pose for, model for, print, sell, offer for sale, give away, exhibit, publish, or

> offer to publish, or have in his *possession* or under his control, or otherwise distribute, display, or exhibit, any obscene book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, image, cast, slide figure, instrument, statue, drawing or presentation, or other article which is obscene, shall be fined not more than $ nor imprisoned more than years or both.

Unlike the NODL, the CDL does not publish any lists of specific books which should be banned. According to a spokesman close to Keating, "censor boards don't work, and they are inimical to the right of free speech and a free press." (Instead of lists, booksellers are frequently handed copies of the law.) According to this source, the organization concentrates on informing citizens and public prosecutors on how to take action, prepare cases and make them stick (New York *Herald Tribune*, 11-23-65).

A hostile writer concedes (*The Nation* 7-5-65) that the CDL often uses the tactics it subscribes to, but finds fault with what he sees as hidden motives. In an article titled "Censorship: Fanatics and Fallacies," Norman Mark first quotes from the CDL's statement of policies and then renders his own judgment concerning the reasons behind their adoption.

First, the quotation from the CDL's statement of policy:

> . . . its purpose is "the creation of awareness and knowledge among the peoples of the world of the quantity and nature of obscene literature. With this background of awakened public opinion we expect law enforcement by duly constituted authorities against the illegal activities of the obscenity peddlers."

Here are Mark's arguments:

> The emphasis is on "law enforcement" and, because of this orientation, CDL pursues its goals with a fervor mixed with sophisticated caution. It is against "smut," but prints no lists or guides for merchants – thus avoiding court charges of prior restraint. It is for legal action, but tries hard not to become a party with the prosecution – thus avoiding costly countersuits. It says it is against boycotts, although it has been frequently accused of suggesting them at meetings of the membership. It is for orderly judicial processes, although it has been accused of trying to influence judges and prosecutors by such tactics as letter-writing campaigns and courtroom packing. . . .

According to Mark's analysis, the CDL organization consists of three informal levels:

> At the top are Keating and the Cincinnati group, the strong chapters in Fort Wayne, Ind., Chicago, New York, parts of California and other towns. On the next level is the unknown number of people who send $5 to CDL headquarters and receive *The National Decency Reporter*, containing stories of victories over pornography and advice on how to fight it. Below the dues payers are the hundreds and thousands of people who have been subjected to CDL programs and movies, and may be considered the hidden strength of the organization.

The article is generally critical and contains allegations which may or may not apply to CDL methods all over the country. The writer says, for example: "A magazine publisher has claimed that the magazine shown at CDL meetings are made to look dirtier than they really are because CDL members paste black paper over the areas of the body that they find offensive even though the girl pictured was dressed in a bathing suit."

This statement appears to be at variance with a New York *Herald Tribune* (10-23-65) account of CDL pornography displays:

> Behind a door marked "Adults Only," Dr. Cortum had assembled a display of publications he and his fellow members of Citizens for Decent Literature consider obscene. Some were nudist magazines, but others dealt with flagellation, bestiality, incest, lesbianism, fetishism and other perversion. The display had many visitors yesterday.

Aside from the information which can be gleaned by reviewing articles in the partisan magazines, additional information concerning the activities of the CDL can be found by examining its own periodical, a well-produced newsletter called *The National Decency Reporter*.

CDL Programs and Activities

That the CDL has been an effective force can readily be inferred from its rapid growth, the success of many of its undertakings, and from the public support and financial backing it has received. While no accurate figures were found to indicate the size of the current membership, it doubtless is substantial, and presumably the organization has many additional sympathizers in the public-at-large. There has been some substantial evidence in the press attesting to its ability to obtain results. Some highlights:

The New York *Times* (7-14-64) reported that Governor Philip Hoff appointed a committee to investigate the problem of obscenity after being shown some Vermont-distributed material by Ralph Buyette, head of the Vermont Citizens for Decent Literature. The governor was quoted as having termed the materials "fantastic"; he declared that "the right to free speech does not give anyone the right to shout 'fire!' in a crowded theater."

The *Christian Science Monitor* (2-15-64) reported that the mayor of Portland, Oregon, a leader in the local CDL chapter – had acted in conjunction with the Oregon Federation of Women's Clubs in obtaining a pledge from the area's major supermarkets "to deny sales space to offensive books and magazines."

In Louisiana, Governor John J. McKeithen proclaimed the first week in March, 1966, as "Decent Literature Week," an action reportedly prompted by the Decent Literature Committee of the Knights of Columbus (New Orleans *Times-Picayune*, 3-5-66).

On one occasion at least (10-15-64), and possibly on many others, reports of CDL activities have been entered into the *Congressional Record* by sympathetic congressmen. In general, accounts of CDL programs, policies and activities have been widely disseminated by newspapers across the country.

From those news accounts and editorials that were available for examination, it would appear that relatively little bad news for the CDL appeared in the papers until the summer of 1967, when the wire services began to dis-

seminate information relating to new obscenity rulings made by the U.S. Supreme Court. Sellers of books with such titles as *Lust Pool* and *Shame Agent* were absolved.

The unexpected development caused the postponement of the CDL Biennial Convention, originally scheduled to have been held in the Beverly Hilton Hotel in Los Angeles in October, 1967. The new dimensions of the situation were explained in the pages of the July-August issue of *The National Decency Reporter* as follows:

> The June 12, 1967 decisions of the U.S. Supreme Court in many different obscenity cases have, said Mr. Keating, "changed the ballgame somewhat in view of the utterly depraved material which the Supreme Court Justices, as a matter of fact, found to be constitutionally protected. These decisions and the actions of the justices require an extremely thorough analysis by CDL experts." He explained that the time between now and the October Convention date would not have permitted the staff to prepare its interpretation and recommendations for the many law enforcement, prosecutive, and judicial officials who would be expected to attend. . . .

From the context of CDL materials, it appears that the organization will continue to press hard to achieve its objectives. While there seems to be a feeling that a major campaign has somehow been lost, despite victories achieved in many battles, it appears that the war will continue to be prosecuted vigorously on both fronts: before the Supreme Court, and on the legislative front.

The 'Right-to-Read' Organizations

The right-to-read groups pose a potentially effective counter-pressure to the decent literature organizations. They are relatively new, and they appear to be much weaker than the decency organizations at the present time. A number of such small organizations – adhering to objectives of maximum, even unrestricted, freedom in reading – have come and gone over the years. It appears, however, that the first group demonstrating a degree of effectiveness and staying power has been the New Jersey Committee for the Right to Read (NJCRR). The organization was founded in 1964 by Harold Flanders and other New Jersey residents who felt a need "to coordinate the activities of local groups formed for the purpose of fighting extra-legal censorship of reading material" (*The Reader's Right*, 8-64).

The New Jersey committee cited three specific opponents with whom they took issue: (1) the decent literature groups, whose philosophies and actions they oppose; (2) public prosecutors, sheriffs and other police officials who engaged in extra-legal activities; and (3) extremist political organizations.

The NJCRR publishes a mimeographed newsletter which provides a picture of some of its activities. In contrast to the decency groups, relatively little information about the organization is to be found in the national press. *The Reader's Right* provides the outsider some insight into the NJCRR's organization and internal operations, and it keeps its own members informed on national events relating to the right-to-read, local incidents of alleged censorship, and the activities of the opposition decent literature groups. This newsletter is not nearly so comprehensive or "professional" as that of the opposition; it appears to be a home-made, part-time effort.

Chairman of the NJCRR for the 1967-68 term is Allen Orner; he is assisted by a vice-chairman, executive director, corresponding secretary, treasurer, and recording secretary. There are no full-time employees. A recent subcommittee list included the following: program, finance, liaison, membership, research, publicity, speaker's bureau and newsletter (*The Reader's Right*, 8-67).

Among the more important projects undertaken by the NJCRR has been the preparation and distribution of "A Survey of New Jersey Psychiatrists and Psychologists Pertaining to the Proscription by Legislation of Sexually Oriented Publications for Persons Under 18 Years." It was undertaken in behalf of the group's lobbying effort designed to defeat a state obscenity bill. Its content will be summarized separately, later on, along with the results of a survey spnsored by the decent literature opposition.

Another major NJCRR effort has been to maintain liaison with similarly oriented groups in other parts of the country. For example, Dr. Sanford Clarke was reported as the organization's representative at the annual meeting of Audience Unlimited, a Rochester, N.Y., right-to-read group said to have over 150 members. Dr. Clarke described the study of psychiatrists and psychologists undertaken by NJCRR to the New York group, and upon his return, his own executive board pledged "to maintain close contact" (*The Reader's Right*, 12-66).

According to this newsletter, such efforts eventually resulted in the formation of a national committee to coordinate the efforts of four right-to-read groups, following a meeting held in New York City on December 29, 1966. The meeting was coordinated by Peter Jennison, executive director of the National Book Committee, "to discuss their common interests, and to compare standards, goals, and methods." In attendance were representatives of NJCRR, Audience Unlimited, the Freedom to Read Committee of Suburban Maryland and the Greater Washington Area, and the Illinois Right to Read Committee. Resulting from this meeting, a national group called the National Council for Freedom to Read was created (*IFRC Newsletter*, 4-67.)

The National Council for Freedom to Read

Named as chairman pro-tem was Joseph W. Faulkner, owner of the Main Street Book Store in Chicago and a representative from the Illinois group. He stated the purpose and objectives of the coordinating organization as follows (*Newsletter on Intellectual Freedom*, May 1967):

> The National Council For Freedom to Read is an open assembly of fellow citizens – men and women who are collectively pledged to protect and extend the freedom to publish, disseminate and read.
>
> These are freedoms guaranteed the individual by first and fourteenth amendments of the Constitution of the United States, and it has been the exercise of these freedoms that has allowed our country to grow, to prosper and flourish.
>
> The Council makes no attempt to interpret these freedoms. We are not a pressure group. Rather, we are quite the opposite, for we would relieve the pressures created by the self-appointed groups of censors who would, by coercion and force, impose their rigid interpretations upon the public at large.
>
> The Council does recognize that choices should be made: by the publisher who chooses what to publish; by the seller who must fulfill his respon-

> sibility to the community; and by the reader who selects according to his needs and according to his interests. But we recognize with equal intent that the choice must be left to the individual. It is his constitutional right – as publisher, as seller, as reader – and it is this right that the National Council For Freedom to Read chooses to honor.

In answer to a letter from this researcher, asking for a description of the specific programs he hoped to initiate to accomplish the generally stated, objectives quoted above, Mr. Faulkner set forth a nine-point program (letter from Faulkner dated May 3, 1967). Little has since appeared in public print concerning its implementation, and this writer telephoned Mr. Faulkner (12-14-67) for information. Faulkner's original objectives – together with progress achieved in the subsequent eight months – are related in the following paragraphs.

(1) "Recommendation by the legal staff of a 'model statute' on obscenity, assuming that all state legislatures will continue to have censorship laws." *Status*: No substantial progress has been made to date on the "Uniform Freedom to Read Act."

(2) "Briefs filed in the Illinois Supreme Court on behalf of two defendants." *Status*: The committee hired counsel and has been successful in this effort.

(3) "Compilation of a working library of censorship information to facilitate preparation of defense briefs." *Status*: Attorney Arthur W. Baum, of Baum & Glick in Chicago, has undertaken to assemble the relevant literature; however, Faulkner was not certain of the progress made.

(4) "Preparation of a National Newsletter." *Status*: Not accomplished.

(5) "Intelligence Service to uncover censorship abuses and make corrections, e.g., a recent letter was sent to 1,450 Chicago magazine and paperback dealers asking them to report cases of harassment and offering assistance." *Status*: A number of replies were received and are available in Mr. Faulkner's files.

(6) "Efforts to bring all anti-censorship groups in various states into the national organization; also advice to be given in answer to numerous requests on how to form state chapters of Freedom to Read." *Status*: Mr. Faulkner states that there are about a dozen right-to-read groups in California, but efforts to get them to act in concert or to join the national organization have not been successful. He states that other groups are scattered across the country.

(7) "Liaison with American Civil Liberties Union, American Library Association, Freedom of Information Center and interested groups." *Status*: Letters have been exchanged, but no cooperative programs established.

(8) "A national survey of erotic literature and its influence on social behavior." *Status*: The national committee has made no progress in this direction.

All in all, Mr. Faulkner related that a great deal remains to be accomplished. He stated that "the situation in Chicago had greatly improved, partly as a result of the activities of the Illinois Freedom to Read Committee in providing legal aid." He asserted that the situation was still bad in New Jersey, and that the New Jersey group seemed to be the most active.

Faulkner himself was in the process of disposing of his book store, so that he could concentrate his efforts on his art gallery. He stated that his decision to do so stemmed *solely* from the fact that he found it too difficult to supervise both operations – his leaving the book business was in no way caused by outside pressure resulting from his right-to-read activities.

Finally, Mr. Faulkner was looking for someone to take over his position as chairman of the national committee – and to take possession of the files. He estimated the Illinois Committee as having some 800 members; it appeared to have issued only one newsletter, in April 1967.

Another organization which helped found the national group was Audience Unlimited, said to have 150 members (*The Reader's Right*, 12-66). The organization has a constitution which sets forth objectives similar to those already outlined.

The newsletter sponsored by Audience Unlimited seems to be somewhat sparser than that of the NJCRR. It has given much of its space to a significant incident relating to search and seizure of books judged by the police to be obscene, and to the subsequent trial and related developments. This account was initially published in the *Audience Unlimited News* (Feb.-March 1967), and was later recounted by newsletters of other right-to-read organizations – in Illinois, under the headlines: "BLACK SHIRT TACTICS IN ROCHESTER, NEW YORK." According to Audience Unlimited, the following occurred:

> John Bunis, arrested December 16 for possessing and selling obscene material, awaits trial in County Court, Rochester. The charge against Bunis' son, Sam, who was arrested with his father in the Clinton Book Shop on Court Street, has been dismissed.
>
> In the arrest, police seized over 1,200 items from Bunis' bookstore and his apartment at 2109 East Avenue. Bunis' lawyer, Sanford Shapiro, has introduced a motion to suppress the use of evidence on the grounds that the warrants were defective. Shapiro said that the warrants were not specific in stating what was to be seized. The fourth amendment of the U.S. Constitution protects individuals "against unreasonable searches and seizures." It guarantees that "no warrants shall issue, but upon probable cause, supported by oath or affirmation, and *particularly describing* the place to be searched, and the persons or *things to be seized.*"
>
> In Bunis' case, the warrants merely instructed police to "seize obscene material." The determination of what was "obscene material" was left to the arresting officers, who apparently believed 1,200 items from an inventory of more than 150,000 items fit the description. This, Shapiro said, makes the police censors. He asked the court for a bill of particulars – i.e., what specificallv is the charge, and on what, and involving sales to whom, etc.
>
> Shapiro said that Bunis has been put in an impossible position; he is charged "with a crime of current opinion as to what is obscene material, and court decisions have shown that it is a very changeable opinion at that."

Some ten months later, on October 30, 1967, the case was tried in Monroe County Court. *Audience Unlimited News* reported (12-67) the results:

> . . . It lasted 4 days and ended without a decision in a jury deadlock.

During the selection of the jury, Bunis' lawyer asked potential jurors for their views on censorship. Four said that they didn't believe in any kind of censorship for adults.

Bunis was charged with selling obscene materials to a paid state police informer, who maintained that he had purchased an 8mm film, three booklets, and a deck of playing cards from the Clinton Book Shop.

The trial judge, Joseph W. Cribb, ordered that the film be shown to the court. It depicted a nude woman doing housework. The judge ruled that as a matter of law the film could not be found obscene and withdrew it from the case without submitting it to the jury. As a result of this ruling, another of the three remaining counts of the original seven-count indictment was dismissed.

On cross-examination, it was learned that the star witness, the police informant, had twice previously pleaded guilty to lying under oath, had spent 27 months in jail, and had been a member of the Ku Klux Klan for 2 years.

At 11 a.m. on Thursday, November 2, the all-male jury was sent out to deliberate. Their first vote, it was later learned, was 9 to 3 for acquittal. At midnight, their final vote was still 9 to 3 for acquittal.

From the emphasis given the Bunis case in *Audience Unlimited News*, it is possible that this single incident has created the rallying point around which the membership has been motivated toward taking much of its action. Of all the known right-to-read groups, it is the only one that has produced an audio-visual aid – a film strip.

Audience Unlimited has also distributed a flyer which purports to explain the techniques utilized by the "vigilantes" in controlling the sale of reading matter:

> These vigilantes start by requesting store managers to discontinue a few comic books and girly magazines that only a few customers care about. Having won the first round, the committees request removal of other items, and the proprietors comply. When some of the stores' bread-and-butter stocks come under the ban and store owners begin to balk, the committees threaten organized boycotts. Having strengthened the vigilantes by accepting some of their decisions, the stores eventually come completely under vigilante control. Although the avowed intention of the citizens' committees initially was to "protect the young," their demands soon remove from all members of the community any material that the members of the committees consider undesirable.
>
> Where citizens fail to protect the liberties of others, this technique succeeds. Recently, it has succeeded in communities in Texas, California, Oklahoma, Georgia, Mississippi, Ohio, and New York. When the majority is quick to defend the rights of a threatened minority, these vigilante techniques fail.

The fourth organization represented at the New York meeting was the Freedom to Read Committee of Suburban Maryland and the Greater Washington Area. Its newsletter, *The Readers Report*, is also mimeographed and is in other ways similar to the others. One of the highlights of the group's activities took place on February 18, 1967, when it sponsored a workshop "to combat censorship." An Associate Supreme Court Justice was scheduled to be the principal speaker (*The Readers Report*, Jan.-Feb., 1967).

Apparently the most active of all such groups has been the aforementioned New Jersey Committee for the Right to Read (NJCRR). Its activities warrant description in some detail, as they convey a general idea concerning the aspirations, goals and practices of them all.

The NJCRR

Liaison with New Jersey educational organizations appears to be an important activity of the NJCRR. For example, Dr. Clarke addressed the New Jersey Education Association Convention – the annual teachers convention – to warn the group about the provisions of a state law. According to Clarke, it prohibited material "which might appeal to the lust," and a teacher could conceivably be arrested for assigning students a story by Chaucer or a book by Hemingway.

In an attack on the opposition groups, Clarke spoke of five assumptions he sees as underlying their work: "(1) That there is a connection between anti-social behavior and reading or viewing 'erotic' materials; (2) That it is wrong for young people to have sexual thoughts; (3) That lust in persons under 18 is unhealthy and dangerous; (4) That the adult world should be depicted as 'sexless and simon-pure'; (5) That if only young people are kept from sexual curiosity and desire, they will turn out all right." Then he referred to the results of the NJCRR survey in an effort to discredit these assumptions (*The Reader's Right*, 2-67).

The NJCRR has also kept in close touch with state obscenity legislation. The cited survey was clearly prepared to influence the state legislature and the governor to oppose enactment of certain legislation. For example, the group fought New Jersey Senate Bill No. 197, which would allow legal proceedings against anyone displaying for sale certain books and magazines. Members and others were urged to voice their opposition by writing to the state capital (*The Reader's Right*, 2-67). The NJCRR also expressed opposition to S-32, a bill which would create a commission composed of eight public members and four legislators "to study obscenity and review existing laws dealing with it in New Jersey." *The Reader's Right* (2-67) reported that one legislator in opposing the bill said that obscenity repeatedly "has been defined and redefined." The NJCRR newsletter challenged the legality of the newly appointed commission on the ground that obscenity determinations are a judicial function: "Since the Supreme Court itself has had difficulty defining obscenity, we rather take comfort in its definition and redefinition by the courts, not easily subscribing to Senator Perskie's implied view that too much of this has gone on already."

The Reader's Right also attempts to keep its members informed concerning what is happening nationally in matters pertaining to the organization's central interest. For example, one item explained (12-66) that Chicago columnist Sydney Harris "voices many opinions which support our survey of the psychiatric community in New Jersey." Specifically:

> Harris says that pornography is a substitute for sex, rather than an incitement to it. He says that censorship is more dangerous than dirt, and that

> the "crusaders for decency" need more study groups and fewer mass meetings. He points out that people who fantasize rarely go from dreaming to doing. We dream of more Sydney Harrisses!

An effort is also made to keep readers abreast of the doings of the opposition groups. The same issue contained a report that the General Federation of Women's Clubs had recently reaffirmed a resolution calling for "The Abolishment of Pornography," and goes on to quote the text.

A somewhat sarcastic slant was in evidence in the NJCRR report of the local unveiling of *Printed Poison*, an anti-obscenity film produced by the Citizens for Decent Literature (2-67).

On the other hand, a serious analysis in the same issue was headlined "MORE ON THE WISCONSIN BILL." The first paragraph reads: "The law (269.565) providing for 'in rem' proceedings against books appears to several people to contain the essence of a model bill which would permit obscenity rulings to be made in an atmosphere free of histrionics." A seven-point explanation is given, and a concluding paragraph states:

> To summarize, the Wisconsin bill, though not wholly acceptable to all who oppose censorship, permits obscenity action to be taken against that which is alleged to be obscene, and not against the hapless distributors whose own opinions concerning obscenity may not conform with those of the courts. Pornographers can still be prosecuted, but only if they continue to deal with material after it is found to be obscene.

Actions on the national scene are also followed, in an effort to keep the membership informed of developments. In an item headlined "SUPREME COURT POSITION STILL NOT CLEAR," *The Reader's Right* (8-67) notes: "Many persons had hoped for a clarification last May when the U.S. Supreme Court ended a seven-month study involving some 'girlie' magazines and paperback books." Expressing regret that "the real issues were bypassed," the writer concluded that the court's action suggests it "is moving to discourage censorship as it relates to adults, while encouraging rulings directed toward keeping pornography away from children." The article also noted that the publishers in question might have been in trouble had they utilized the pandering methods which previously had led the Court to uphold the Ginzburg conviction. That the NJCRR was not completely satisfied with the new rulings (which shocked the CDL), is indicated by the closing paragraph:

> This latest ruling is at odds with the attitude of the Court when it first became interested in censorship, back in 1957. Justice Felix Frankfurter at that time commented on a Michigan law that outlawed the sale of any matter that might corrupt the morals of youth: "This law would burn down the house to roast the pig," he said, by reducing "the adult population of Michigan to reading only what is fit for children."

Local news and state-wide occurrences of interest to the membership have also been disseminated via the newsletter. Apparently the number of "incidents" has abated, inasmuch as earlier issues appear to carry more accounts than some of the later ones.

For example, the newsletter reported (12-66) that the Vineland Citizens for Decent Literature chapter had "gone beyond boycotting 'uncooperative' newsdealers, and is planning to picket McLaughlin's News Agency." It quotes the Vineland *Times Journal* as stating that over 25 members of CDL have been obtained to engage in picket duty.

In the same issue was a more detailed account of controversy in connection with the book, *Spoiled Priest*, by Gabriel Longo, of Middletown. Taking some of its information from an article said to have originated in the Newark *News*, the NJCRR explains that the author (a former priest who had since married and was now raising a family) had precipitated a threatened boycott by agreeing to autograph copies of his work at a bookstore. The owner, Mrs. Leona Gottesman, is quoted as having said that she received "some seven phone calls warning her that she might as well close her shop if Longo appeared." In addition, she said that "a local businessman came in today and told me he would ask his priest to have all the schools and residents boycott my shop." Here is the NJCRR description of what occurred:

> Mrs. Gottesman declined to divulge the name of the businessman, but according to the *News* he was traced to an insurance agent, James DeRogatis. Mr. DeRogatis said he felt Longo's scheduled appearance to be "in very bad taste." Although he is a past president of the Holy Name Society of St. Bartholomew's Church, and is a member of the Businessman's Association, Mr. DeRogatis made it clear that he was not speaking for any organization. "I was simply talking on behalf of myself and associates who agreed with me."
>
> "All I told her," said DeRogatis, "was that this town has two Catholic parishes, and I felt many of the citizens would be upset by Longo's appearance, which would result in her business being very badly hurt." This is couched in the terms of helpful advice, but the suggestion of a threat is all too clear. Continuing, DeRogatis said, "Now that she has agreed to cancel the visit, I'll continue to patronize her store."
>
> Thus far we have reported nothing very unusual. The astounding part of the whole incident is found in Mrs. Gottesman's explanation of her cancellation of Longo's visit; "I tried to muster some support in the town from various people, but couldn't get any. I can't win and I won't delude myself into thinking I can."

In an account of another incident of local interest, *The Reader's Right* (2-67) charged that "tampering with school reading is still a temptation to the censors."

> The Clark Lane Junior High School gymnasium in Waterford, Connecticut, was packed with over 300 people when Thomas Dorsey, head of the high school English Dept., asked the spokesman for a local group protesting profanity and obscenity in the school's reading material, "How much faith do people have in teachers?" Ward T. Alling, who denies he is the group's leader, but who is acting as the spokesman, stood and shouted: "I have little; damn little." Alling, a former Board of Finance member, smiles from behind rimless spectacles in a picture he evidently permitted the "New London Day" to take even though he says the group has no leader. He is holding Nobel Prize winner John Steinbeck's "*In*

Dubious Battle," one of the objectionable books.

Other books on the junior-high book list found objectionable are "Huckleberry Finn," "The Catcher in the Rye," "Lord of the Flies," "Black Boy," "The Grapes of Wrath," "Of Mice and Men," "To Kill a Mockingbird," "West Side Story," "Raisin in the Sun," "Native Son," and "Black Like Me." Three of the books are "strongly recommended" by the Connecticut Council of Teachers of English, a 140-member organization headed by Albert S. Smith, head of the English Dept. at Mitchell College. Other groups recommending some or all of the books include the American Library Assoc., the National Assoc. of School Librarians, and the New England Council of Teachers of English.

Another aspect of the school situation was contained in the report of the NJCRR's presentation of its "First Freedom Award." It went to Robert Perlett, a Parsippany school teacher "who had so valiantly presevered in bringing to the high school stage plays in hich the teen-age cast could genuinely relate." According to *The Reader's Right* (8-67):

> Mr. Perlett, in his exceptionally moving speech, did not dwell on the methods used by those who objected to the plays he produced. Rather, he dealt with the underlying fears and lack of feeling. He spoke mostly about the problem in producing Brecht's "Mother Courage," a play he cited as difficult to do because it is so alien to our New Jersey suburbs. That it is based on an antiwar theme didn't held win it popularity either. Mr. Perlett noted that protests started shortly after the decision was made to produce "Mother Courage." The first protests, however, had nothing to do with the theme. They were aimed at the language used. Mr. Perlett told of anonymous demands that "streetwalker" be substituted for "whore," and "illegitimate" for "bastard," etc. He asked his audience to imagine the absurdity of using Bowdlerized language in the dialogue of Brecht's angry characters: "But how does one relate Brecht's feeling about war by changing words?"
>
> "Mother Courage" was, nevertheless, produced and performed by an impassioned cast, and was seen by 1,200 people. While Mr. Perlett made it clear that the experience of working with the aroused youngsters was a rewarding one, he was also left with other feelings. As he said, "Apathy produces a censorship of antipathy – a censorship of people who don't want to hear thoughts."

An Assessment

Almost all of the above information describing the right-to-read organizations, their activities and their interests, necessarily had to be taken from mimeographed source materials originally issued by the groups themselves. As such, these accounts probably carry a degree of built-in bias – as in the case of materials obtained or quoted from opposition sources.

But all sources considered, it seems clear that the CDL is much better organized than any of the right-to-read groups. It has a large base of public support, is well-financed, and is able to get its case before the people by means of some of the mass circulation magazines.

The right-to-read groups generally derive their strength from some intellectuals, persons who have economic or professional interests at stake, and libertarians who feel that basic rights are being infringed upon. Membership in the right-to-read organizations is not impressive, financing is scant, and means of reaching the public is limited to occasional mention in periodicals with limited circulations, such as *The Nation.*

Groups on both sides use newsletters to reach their internal audiences. Here again, it appears that the CDL holds a wide margin.

The NJCRR Survey

Perhaps the most ambitious project undertaken by the NJCRR has been the survey it published, entitled "A Survey of New Jersey Psychiatrists and Psychologists Pertaining to the Proscription by Legislation of Sexually Oriented Publications for Persons Under 18 Years." The "Final Report," issued in January, 1967, is printed in pamphlet form on quality paper. Its introduction endeavors to set forth the opposing points of view concerning the effect that pornographic materials are likely to have on the young. To this end, Dr. William P. Riley, a member of the Citizens' Anti-Pornography Commission in New York, is quoted to capsulize the argument of those who say that such materials result in anti-social action. Arguments by Robert Haney, author of *Comstockery in America,* are used to provide the substance of the right-to-read position.

The writers of the survey explain that the discord between these two men (and of their adherents) partially results from "the dearth of scientifically reliable evidence applicable to this area of human behavior." They state that from their review of available literature and past research, "the most noteworthy objective study found by the NJCRR was the recent Kinsey study of sex offenders." It was said to be based on a 25-year study which claimed "that of the 2,721 men studied there was not a single case of an offense having been committed as the result of exposure to reading material."

The NJCRR decided to poll New Jersey psychiatrists and psychologists to obtain information which would be useful in influencing pending New Jersey legislation. A questionnaire was sent to "all the psychiatrists listed in the *Directory of Biographical Information of Members and Fellows of the American Psychiatric Association,* 1963, and 546 of the psychologists listed in the *Directory: American Psychological Association,* 1965." Replies were obtained from 17.6 per cent of the psychiatrists and 27.2 per cent of the psychologists. No effort was made to explain the bias that may have been introduced by the respondents' choosing or declining to answer.

Before summarizing the results obtained, it should be pointed out that like the CDL-reported survey to be described in the next section, this survey was sponsored by a partisan group, presumably to prove a point. As in the case of the CDL, the validity of the results is open to question. There certainly is considerable variance in the respective findings of the two surveys.

It also seems likely that sufficient funds probably were *not* available to either organization to undertake and finance a genuinely thorough scientific study.

Evidence of possible bias exists in the framing of questions in both surveys. For example, the NJCRR uses the term "pornography" in the introduction to its report to establish the case for those who favor greater per-

missiveness in the publication and dissemination of materials. Robert Haney is quoted as saying: "It is in terms of effect [social or anti-social] alone that *pornography* [italics added] can be seriously discussed, yet the relationship between reading and alteration of behavior is very difficult to pinpoint."

And the Kinsey Institute is quoted as having reported: *But not once does any questionnaire item ever employ the word "pornography."* The terms used in formulating the questions were "sexually-oriented literature," "such materials," "sexual and anatomical information," and "limitations on reading material." In only one of the eight questions was the word "obscenity" used – to inquire how state funds could best be used in the interest of improving the "youth's" situation – by eliminating "obscenity," or by "other" means.

Research experts might well criticize the use made by the NJCRR of the term "statistically significant incidence." Only one question, the first, used this term to make a point, but this might lead the reader to believe that sophisticated research tools had been employed. In the space provided for a "yes" or "no" answer after the first question, the following query appeared: *"If your answer to the above is yes, will you tell us if you regard the incidence of such cases to be statistically significant?"*

In its usual scientific context, determinations of statistical significance are derived from complicated, painstaking statistical methods – not someone's opinion on the subject. The manner of sample selection described on page 4 of the survey might also be criticized by research experts, from a technical standpoint.

Keeping these shortcomings in mind – and there may be others – the results of the survey concerning causative effects of such reading on the behavior of youth were summarized by the NJCRR as follows:

> 1. What first-hand knowledge did these specialists report on the provocation of anti-social behavior primarily as a result of exposure to sexually oriented materials? How significant did they regard the incidence of such cases? Although 5.4% of the respondents had encountered such a case (or cases), only 1.48% regard the incidence statistically significant.
>
> 2. Might the availability of the publications described serve to minimize anti-social behavior by providing a vicarious outlet? Approximately 60% affirmed this contention.
>
> 3. Will the removal of such materials by the state be beneficial in encouraging a healthy and accurate view of sex by the younger person? 12% believe it would. More than 80% gave an unqualified NO to this question.
>
> 4. Approximately 83% of the mental health experts who replied believe that the passage of legislation such as A-768 would not contribute to the general improvement of mental health in juveniles. Since A-768 is quite similar to censorship bills which have been enacted or are under consideration by various state legislatures, this response has more than theoretical import.
>
> 5. Whereas 83% believed such legislation would not contribute to the improvement of mental health in juveniles, approximately 62% believed that the official concealment of sexual and anatomical information might tend to promote a pathological degree of curiosity and injudicious experimentation in the inexperienced.
>
> 6.-7. Should there be any limitations as to what reading material is available to persons under 18 years of age? If so, who should impose limitations?
>
> Of the psychiatrists, 24.2% felt there should be no limitations placed on reading material available to children under 18 years of age, 24.2% said limits should be placed by parents, and 16.1% said by parents + librarians + teachers. Only 16% would include the state or law enforcement officials in partnership with. parents and/or librarians and/or church in the judgment of what children should read. In answer to the same question, 33.3% of the psychologists would place no limits on reading material for those under 18 years of age, 33.3% would have the parents set the limits for their own children, and 5.7% felt the task should fall to parents + librarians while only about 10% would have the state or law enforcement officials play any role whatsoever.
>
> 8. The emphasis of many respondents was towards education in general, sex education specifically, and improved mental health facilities as better ways to utilize state funds than to set up an expanded state censorship program. 5.4% favored appropriation of funds to eliminate obscenity in the interest of improving "youth's" situation. The great majority favored alternative programs.

Whether because of possible criticism of the methods employed, or because of a desire to extend this type of survey from the state to the national arena – or for other reasons – Joseph Faulkner said (12-14-67) that the NJCRR had been in contact with *Playboy* Magazine to negotiate a possible grant of $100,000 in order to finance a more ambitious study. At this writing, no definite commitment had been made.

The CDL Survey

Partisan bias, and many apparent technical deficiencies from a research standpoint, are also in evidence in the survey published by the CDL in the September-October 1967 issue of *The National Decency Reporter*. It is titled "The Correlation Between Modern Communications Media and Social Behavior," and was prepared under the direction of the Very Rev. Msgr. Paul J. Hayes by the Christian Communications Apostolate, Archdiocese of Newark, New Jersey.

Like the right-to-read survey, it also carried an introduction pointing to the difficulty inherent in establishing "scientifically through empirical methods the exact correlation between the effect that obscene, violent, sadistic and sex-centered reading have on behavior."

Before the findings are given, the following introductory statements are made:

> If the written word and pictures have no effect on people's thinking, then the multi-million-dollar advertising business has been wasting its time, and libraries have been working all these years on false premises. And it is always interesting to hear some proclaim the great influence for good both here and abroad to be accomplished by a worthwhile book while at times the

same men tell you that sadistic or obscene presentations have no effect.

Noting that "the medical profession is usually guarded and restrained in publicizing its findings or opinions," Father Hayes wrote:

> The New York Academy of Medicine has published a formal statement voicing concern about the frightening impact of obscene printed matter. The statement referred to material which ranged from "erotic through libidinous to outright lascivious and lecherous." Then the statement went on: "Such reading encourages a morbid preoccupation with sex and interferes with the development of a healthy attitude and respect for the opposite sex. It is said to contribute to perversion. It is undeniable that there has been a resurgence of venereal disease, particularly among teenage youth, and that the rate of illegitimacy is climbing . . . the perusal of erotic literature has the potentiality of inciting some young persons to enter into illicit sex relations and thus leading them into promiscuity, illegitimacy and venereal disease."

Deficiencies can be seen in the way the questions were framed – very clearly in those which ask if unfavorable consequences *in any way* (author's italics) result from the distribution of certain materials. Presumably, a respondent could feel that in some instances they had a minor effect; he might then feel compelled to answer "yes."

Another weakness in the construction of the questions – also evident in the NJCRR survey – is that no effort was made to clearly categorize the types of reading materials at issue. No distinctions were made between the subject matter in materials used for sex education in the high schools or books such as *To Kill a Mockingbird* or, progressively, *Tropic of Cancer, Lady Chatterley's Lover,* or *Fanny Hill* – and the worst kind of hard-core pornography featuring perversion, sadism, and violence.

Evidence that this survey (like the other) is biased can be inferred from the fact that in the summary, the law enforcement officials were given a pat on the back for the manner in which they responded; the psychiatrists got a slap on the wrist:

> *Law Enforcement Officials*:
>
> In the overall picture, of the categories of people questioned, the law enforcement officials (in most cases Chiefs of Police) were the most methodical and seemed to put in more thought in answering each question to the best of their ability, often commenting or explaining their opinions.
>
> The overwhelming majority feel that movies and reading affect social behavior, particularly of youth. 63.5% feel that movies and reading are a factor in the rise of venereal disease; 67.5% believe they are factors in the rise of illegitimacy; and about 75% believe that reading is a factor in stimulating homosexual activity or triggering latent homosexual tendencies. The vast majority feel that other factors have a key role, particularly "family background" and "excessive freedom and lack of authority during formative years." These factors, they feel, are of prime importance and in conjunction with an adverse effect through sex-stimulating or sadistic communications media can result in delinquency, homosexuality, venereal disease or some sort of anti-social behavior. Only 15.5% felt that homosexual activity between consenting adults should be removed from the legal realm.
>
> Over 92% feel that pornographic, obscene, violent or crime-centered movies or reading have a relationship to delinquency.
>
> *Psychiatrists*:
>
> Although several psychiatrists have done research in this field and have written their findings substantiating a correlation between the communications media and anti-social behavior, by and large the psychiatrists who answered this questionnaire gave relatively little substantial information. Often the way in which the questions were answered made it difficult to tabulate facts. Many comments indicated a prima facie prejudice relative to the whole subject. The attitude at times was: "The whole thing is ridiculous. These things cannot affect people so why investigate the matter." This was not by any means universally true. A minority took great pains to tell their case studies and their conviction of the adverse effect of reading, movies and to a lesser degree TV in stimulating violence particularly. And in spite of the negative attitude expressed by not a few of the psychiatrists, a noteworthy percentage do see a relationship between behavior and modern communications media.

From an assessment of both surveys, it seems clear that neither the decency groups nor the right-to-read groups have yet come up with a valid study capable of providing much-needed guidance to judicial and legislative officials, or to the public.

Conclusions

An adequately financed, scientifically conducted study by an experienced and reputable research organization is sorely needed to reliably ascertain any relationship between media exposure to certain materials and anti-social behavior – particularly on the part of the young.

Needed equally as badly is a set of guidelines to define obscenity. Although the Supreme Court has ruled that obscene materials do not fall within the protection of First Amendment guarantees, its recent decisions have not provided clear or consistent basis for obscenity determinations. In recent cases, the Court seems to have upheld convictions only when "pandering" or sales to minors constituted the principal issue.

If a responsible study revealed that certain materials were in fact harmful to the young – and this seems to be the principal issue between opposing groups – then the difficult task of attempting to define specific categories could begin.

The matter of "in rem" proceedings deserves further investigation. Under provisions such as those contained in the Wisconsin bill, specific materials may be judicially declared obscene and injunctions against their sale or distribution obtained. Booksellers, officially forewarned that the sale of specific items is illegal, could thus be relieved of the near-impossibility of knowing the content of every single book that they stock.

The presidential commission which will study and report on this subject by 1970, will consider numerous

hearings, reports of expert testimony, and many presentations by interested organizations and individuals. On one side, pressure will be exerted to promote varying degrees of freedom-to-read – by such organizations as the American Library Association, the American Book Committee, the book publishers, and the various right-to-read groups. The other side will be represented by many church groups, parents' organizations and the decency groups.

Well-organized, well-financed and sincerely motivated persons will take vigorous stands on both sides, each with the feeling that its solutions are consonant with the best interests of the country. There also will be individual militants and zealots on both sides who fanatically believe in absolutes.

Apparently there are few people who really believe that the First Amendment *does* guarantee them a right to shout "fire" in a crowded theater. They would transgress the rights of the majority in the name of individual freedom – blind to the paradox that law and order, which necessarily restricts some freedoms, alone makes it possible for the public to enjoy the larger number of rights which may be exercised in this country.

There are some who would deny to large numbers of parents the right to try to keep their youngsters from reading the most extreme varieties of hard-core pornography portraying sexual sadism, perversion and violence. Such exponents of absolute freedom appear to feel that *any* restrictions on their own freedom of ready access to whatever they choose to read – or to profit from selling whatever can be sold – constitutes an intolerable invasion of their individual liberties.

At the other extreme – also a small minority – are those who would invade the rights of the majority by imposing their own brand of narrow beliefs by denying access to materials which even remotely refer to sex, or which relate to other subjects of which they disapprove. The parents who recently tried to have *Best American Plays* banned from a school library are an example; they objected to the volume on grounds of obscenity because it contained "Mr. Roberts" and "Death of a Salesman." (*Newsletter on Intellectual Freedom*, May 1967).

The minority of individuals at the extremes of both sides share more than a common belief in absolutes. They want to impose their own conception of what is "right" on the mass of the American public. In a real sense, they are prototypes of Eric Hoffer's *True Believers*.

For all these reasons the Commission appointed by the President to examine the question of "obscenity" must exercise wisdom during the conduct of its investigations, and more. Its members must have sufficient courage to go to the heart of the dispute in an attempt to resolve the single issue which disturbs the public the most and induces the highly emotional atmosphere: sale and distribution of hard-core pornography to children. Recent Supreme Court rulings have constituted a first step in this direction.

While reams of professional papers and volumes of books have been written concerning the difficulties involved in findings usable definitions, it would nevertheless seem that the word "children" *is* definable. And it would also appear that a workable definition for "hard-core pornography" and such other terms as "sadistic perversion" can be arrived at.

Since it has long been recognized that parents have a right to exercise certain responsibilities in connection with the welfare of their children, the Commission should attempt to set forth guidelines which define the terms and outline the methods which may be used to control the distribution to children of specified kinds of materials without parental consent. When these guidelines are subsequently translated into understandable law which can be enforced by the courts, a long stride will have been taken toward preserving the widest freedom to read for the adult population – while simultaneously respecting the equally important rights of parents to rear their children in the manner they consider best.

Surely this will not be an easy task for the Presidential Commission. But just as surely, it is a possible one.